

Hard Work: Hegel and the Meaning of the State in his Philosophy of Right

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We should therefore venerate the state as an earthly
divinity and realize that, if it is difficult to
comprehend nature, it is an infinitely more arduous
task to understand the state.¹

Thirty years ago, scholarly work on Hegel's *Elements of the Philosophy of Right (EPR)* was obliged to deal with the charge that Hegel's view of the state made him an apologist for authoritarianism, fascism and totalitarianism. In the intervening years, multiple interpretations of Hegel's political thought have put this charge to rest. It is now acknowledged that Hegel's account of the state in *EPR* encompasses many liberal, republican and social democratic as well as conservative elements, including the accommodation of individual rights, the rule of law, representative government, social welfare and so on.² Of course, this does not mean that there is a consensus about the prescriptive implications of Hegel's political thought. Commentators identify Hegel as more and less liberal, republican, social democratic or conservative. They disagree about what he means by freedom, about his view of the roles and the relation between the different elements of ethical life (family, civil society, state), about the significance of the monarch in the state's constitution, about the nature and extent of Hegel's

commitment to social welfare or freedom of speech, and about the implications of his accounts of external sovereignty, international law and international relations. But behind the debates in mainstream Hegel scholarship, there is a broad consensus that Hegel can now be counted as one of the good guys. However mistaken aspects of his political philosophy may be, he is essentially on the side of progress, which means, paradoxically, on the side of the earlier generation of his critics.

In the context of this emerging consensus on Hegel's reformist modernism, a new set of radical critiques of his work has emerged. This time, however, it is Hegel's modernism that is identified as the problem. Whereas the earlier generation of critics interpreted Hegel and his views on the state as a kind of atavistic throwback to an earlier era of Prussian triumphalism, the current generation sees them as exemplifying the faultlines of the state in the present. In world history as the world's court of judgment, they find in Hegel the spokesman of an imperialist and racist modernity. For thinkers such as Bernasconi, Hoffmeier, Chanter, Blaney and Inayatullah and Serequeberhan, Hegel's work is condemned for implicitly or explicitly justifying slavery, colonialism and racism – charges as shocking as the earlier generation's accusations of fascism and totalitarianism.³

In much of the mainstream literature on Hegel, those aspects of Hegel's arguments in *EPR* that might seem to support this new line of critique are treated as peripheral embarrassments that can be dropped without compromising the major, positive content of Hegel's political thought.⁴ Some of these defences of Hegel are more persuasive than others, but it is not the aim of this chapter to adjudicate between them. Instead, I want to take these recent critiques of Hegel as a provocation to return to his treatment of the state in *EPR* and what it may tell us about political communities self-consciously articulated in terms of a principle of self-determination and about the

‘hard work’ involved in comprehending ourselves as citizens of such political communities. In this respect, following Durst’s example, I will argue that it is illuminating to read *EPR* in conjunction with Foucault’s work on sovereign, disciplinary and biopolitical power.⁵

The argument proceeds in three sections. In the first section I address the question of how to read the *EPR*, bearing in mind what Hegel tells us in the Preface about the role of logic and history in his understanding of what political philosophy is and can do. In the second section, I turn to Hegel’s treatment of the internal and external constitution of the state as the articulation of freedom. In the third section, I address the question of how Hegel’s account of the historical education of self-consciousness, which culminates in identification with the state, remains instructive for the contemporary reader. This is not because Hegel’s own views about how the state ought to be are or are not particularly persuasive as a normative model. Rather, it is because Hegel’s account of the connections between the different dimensions of ethical life resonates with the ongoing experience of the complex fate of the state into the twentieth and twenty-first centuries. Some aspects of Hegel’s state in *EPR* may strike us as helpful, others as politically worrying, others as simply absurd, in formulating current theories of right and justice. But what remains compelling in his account is his insight into the kinds of social, educational and political *work* needed to sustain a self-understanding of the state as the work of freedom.

1. Reading the Philosophy of Right

- philosophy is *exploration of the rational*, it is
for that very reason the *comprehension of the*

present and the actual, not the setting up of a
world beyond which exists God knows where – or
rather of which we can very well say that we
know where it exists, namely in the errors of a
one-sided and empty ratiocination.⁶

What kind of political philosophy is being done in *EPR*? On the one hand, Hegel states very clearly in his *Preface* that he is engaging with what ‘is’ rather than what ‘ought’ to be.⁷ On the other hand, the tone of much of his discussion is prescriptive, and he makes it clear that the kind of ethical life he delineates in Part Three of the text (comprised of the institutions of family, civil society and state), not only reflects the current stage of spirit’s self-awareness, but is also a clear advance on other ways of organising political community. For all readers, *EPR* presents the puzzle of weighing up how much Hegel’s system, especially his logic and philosophy of history, as opposed to either his specifically political theory or the demands of his particular political context, shape and direct his analyses of abstract right, morality and ethical life. There are many plausible, non-metaphysical readings that rely on the possibility of abstracting Hegel’s political theory, with its substantive claims about property, punishment, civil society, constitutional government or international relations from the rest of his philosophical system.⁸ Equally, there are strong arguments that *EPR* only makes sense in the light of logical categories embedded in Hegel’s non-foundational metaphysics.⁹ Then again, more historically contextualist readings draw attention to Hegel’s specific political commitments, the significance of the Prussian reaction to the ways in which the text was written, and the practical, educative functions the text was intended to serve.¹⁰ Indeed, it has been argued recently that metaphysical readings effectively get things the

wrong way round, and that Hegel's logic and philosophy of history are essentially the *product*, rather than the *ground* of his politics.¹¹

Choices about how to read *EPR*, as with all texts in political philosophy, reflect the assumptions, questions and purposes of the reader. Many of the more 'political theory' readings of Hegel emerge from the desire to find a corrective to utilitarian, contractarian and deontological strands in contemporary political philosophy, and therefore need Hegel to be playing the same kind of prescriptive game as other modern political philosophers play. Systemic and contextualist readings, in contrast, are more interested in identifying Hegel's intentions at the time of writing, either in relation to the rest of his philosophical work, or in terms of his particular political agenda. My own sympathies lie more with the latter two directions for reading Hegel's work, in large part because these modes of reading fit best with his own insistence on the integrity of his philosophy as a whole and his equally strong insistence that philosophy is always intimately bound up with its own time.

For me, the interest in Hegel's work resides in his claim that he has been able to uncover and comprehend the common rhythm immanent to the related domains of nature, spirit and thought *because* of the time and place in which he was living and his own self-identification as a child of his time.¹² For Hegel, modernity was the first era in human history in which self-determination (freedom) was self-consciously articulated as the ground and end of social and political life, in law and institutions as well as in philosophical thought. He celebrated his era as a world-historical achievement, but he also focused his philosophical attention on the question of how social and political arrangements explicitly embodying freedom could be sustained. From his point of view, this is simultaneously a logical, historical and practical question. It is a logical question insofar as Hegel's purpose is to unpack the meaning of ethical life as self-

determination, through an immanent critique of the categories of its self-understanding in legal and institutional arrangements, and of the ways in which the latter had been grasped in the political and juridical thought of his day. It is a historical question insofar as this unpacking presupposes a set of historical developments that enabled the identification of spirit with freedom. This means that the philosopher is fundamentally engaged in grasping the universal implications of the particularities of his time. His raw material is the ways of organising social, economic and political life that he associates with these historical developments. And it is a practical question insofar as it is concerned with the social, legal and institutional forms which can best embody and enable the idea of freedom which is claimed as their ground and end.

It is important to note that logic, history and practice are not exclusive domains for Hegel, they may be analytically distinguishable, but speculative thought recognises their immanent connection. This connection makes Hegel's work interesting for two reasons. First, because it opens up a distinctive understanding of the limitations on what political philosophy is and can do. Second, because it provides a route into an immanent critique of Hegel's argument, in which the ongoing relevance of his difficult comprehension of the state can be argued for, even as aspects of his reading of his own time are put into question. When Hegel condemns contemporaries for 'one-sided and empty ratiocination', he is not simply dismissing the value of utopian or prescriptive political thought. Rather, he is making the point that the *world beyond* inscribed in various accounts of what *ought* to be, is never actually a *world beyond*. What appears as the most radical challenge to the status quo produced by the heroic philosopher king is always conditioned and shaped by available socially produced and enacted meaning. At some level, therefore, the *ought* is always inscribed in the *is*. The political philosopher, as author, is authoritative only in the response of an audience able to recognise (re-

cognise, re-think) the thought with which they are presented as something that is already thought, explicitly or implicitly in available legal, institutional or logical vocabularies. When political philosophy is thought about in this way, as the re-thinking or recognition of what *is*, then it becomes both more and less ambitious as a project. It becomes less ambitious in that it abandons the idea that the exercise of reason in abstraction will, by itself, provide a persuasive model of the good life. It becomes more ambitious, because it is self-consciously making the claim to definitively conceptualise, or elicit the universal meaning of, a particular, contingently developed set of social, economic and political forms.

Hegel's way of thinking about political philosophy provides a route to the immanent critique of his work, because it implies the ongoing contextualisation of the universal inherent in, or emergent from, historical particularity. If political philosophy is a child of its time, then there can be no guarantees that its meaning will be recognised, or that its meaning will remain consistent, as its audience changes. Hegel's logic and philosophy of history require that the terms of his writing and our reading are brought together, a process that opens up all kinds of spaces for interpretation, but which certainly precludes an unquestioning reception of his understanding of the meaning of freedom in history.¹³

The reading of Hegel's comprehension of the state that follows is a Hegelian one to the extent that it takes Hegel's historicism seriously. In doing so it seeks neither to rescue Hegel as a route towards a contemporary theory of justice, nor to dismiss Hegel as the spokesman for an imperialist and racist modernity. The aim is rather to trace the resonances between twentieth and twenty-first century experiences of the state and Hegel's interpretation of its meaning. That there are resonances, I will argue, in no way vindicates Hegel's prescriptive claims for the state and world order, it speaks,

rather, to the dilemmas of political organization around the idea of individual and collective freedom that we share with Hegel's time.

2. The Terms of Ethical Life

The first two parts of *EPR* are designed to demonstrate how the realms of abstract right and morality fail as adequate instantiations of what they claim to be their idea, of spirit as self-determination. Neither of them provides a satisfactory conceptualisation of the source and nature of modern legal, social and political institutional forms. Instead they are more like the tip of the iceberg of contemporary ethical life, partial and potentially misleading. As the argument of *EPR* unfolds, abstract right and morality are shown to be shaped and conditioned by the institutions of family, civil society and the state. It is not only that individual right and conscience require certain kinds of socially embedded institutions and practices to work, it is that without those institutions and practices the notions of individual right and conscience would not be comprehensible. The self-understanding of individuals as property owners or moral beings is immanently connected to their self-understanding as sons, members of civil society, citizens. And of these elements of modern self-understanding, it is the idea of the state that emerges as being of overwhelming significance. Without the state not only abstract right and morality but also family and civil society cannot be thought in terms of freedom.¹⁴

Hegel followed a familiar pathway in the political thought of his time in arguing for the necessary connection between individual freedom and particular forms of legal and political authority. The difference in his account is that rather than positing a state of nature in which the need for political institutions and authority are derived from individual freedom in the abstract, Hegel took his starting point from the meaning of

individual freedom inherent in what he identified as distinctively modern social and economic practices. Within this context the family and the realm of production and trade (civil society) ¹⁵ are, in their different but complementary ways, fundamentally concerned with the reproduction of a particular kind of free individuality, the self with the capacity to choose, to own, to take legal and moral responsibility, to contract. What Hegel seeks to show is that neither family nor civil society could reproduce this free individual without invoking what is beyond the realm of free individuality itself.

Any discussion of freedom must begin not with individuality [*Einzelheit*] or the individual self-consciousness, but only with the essence of self-consciousness; for whether human beings know it or not, this essence realizes itself as a self-sufficient power of which single individuals [*die einzelnen Individuen*] are only moments.¹⁶

In seeking to comprehend the state in *EPR*, Hegel is aiming to extrapolate the most adequate conceptualisation of the conditions that enable the production and sustenance of free individuality. His aim is neither purely descriptive nor purely prescriptive. He isn't describing how actual states work, nor identifying any actual state with the ideal. He is, however, building up an ideal type of the modern state, which he claims is the 'actualization of freedom'. Only this idea of the state is commensurate with the requirements of a self-understanding of spirit as self-determination. Because only in this idea of the state is the dependence of particular freedom on universal conditions explicitly, consciously recognised.

The state is not a work of art; it exists in the world, and hence in the sphere of arbitrariness, contingency and error, and bad behaviour may disfigure it in many respects. But the ugliest man, the criminal, the invalid, or the cripple is still a living human being; the affirmative aspect – life – survives [*besteht*] in spite of such deficiencies, and it is with this affirmative aspect that we are here concerned.¹⁷

When Hegel asks the affirmative question of what makes a state a state, he is asking a question that he acknowledges is historically specific, the equivalent to, and in his view more fundamental version of, the modern question of what makes a human being a human being. In essence, the answers to both questions are the same, what makes a state a state and a human being a human being is their explicit identification with self-determination.¹⁸ In the case of the human being, this self-awareness is captured more and less adequately in the different forms of self-understanding articulated in abstract right, morality, family life, work and citizenship. In the case of the state, this self-awareness resides in the recognition, by individual and collective actors, of themselves (self-determination) in the state's institutional configuration, internally and externally.¹⁹ If the state is necessary to sustain spirit as self-determination within the family and civil society, then it cannot be understood in terms other than those of freedom. Otherwise, self-determination would collapse into determination, and the claim of modernity to instantiate the meaning of spirit adequately would fail.

In discussing the state, in this ideal-typical sense, therefore, Hegel is laying out how it is that the free individual could recognise his or her freedom in the practices and institutions that make free individuality possible. It turns out that there are two key ways in which this is possible: first, through the explicit recognition of the multiple ways in which the state provides the conditions for free individuality; second, through the substantial, positive identification of the individual with the state. Throughout his discussion Hegel employs both organic and educational metaphors. On the one hand, the state is a holistic entity, which lives only in the elements that make it up, on the other hand, it is the culmination of an educative, civilizing process. The organic metaphor expresses the dependency of free individuality on institutions of sovereignty, law and government.²⁰ The educational metaphor expresses the individual's (citizen's and reader's) explicit realisation of the state as the ultimate instantiation of free being.²¹ In order for the state to work in the terms of self-determination, individual actors not only have to grasp their reliance on the state but also have to positively embrace this reliance as essential to their own self-understanding. In effect, Hegel's anatomisation of the internal and external constitution of the ideal-typical state traces out this double-sided process. We see it at work in his exposition of the relation between state and civil society and in his discussion of inter-state relations and world history.

In his account of civil society, the sphere of private contractual relations, Hegel repeatedly demonstrates how civil society would be unsustainable without various kinds of state institutions and interventions. If left to its own devices, the tendency of civil society is to collapse into chaos and conflict, producing dangerous extremes of wealth and poverty and creating surplus populations, who form into an anarchic, uneducated rabble.²² In order to sustain the free individuality of civil society and market relations, the state plays a crucial role as the provider, supervisor, manager and

guarantor of education, law, the administration of justice, processes of colonization, police and welfare authorities and the corporate institutions that collectively organise civil society activities. The unsustainability of a society organised in practice on the self-understanding of free individuality is nowhere more clearly demonstrated than in that society's need for mechanisms of welfare, justice and security. It needs welfare because of the danger posed to particular freedom by class conflict.²³ It needs justice and security because a self-understanding of freedom as individual choice provides no criteria for distinguishing between harmful and harmless choices, including choices that undermine or threaten the free individuality of others. Justice and security enable mediation between different choosers and prevent the collapse of relations of particularity into the arbitrary imposition of one will onto another, they *secure* the possibility of freedom. Precisely because there are no criteria inherent in the self-understanding of civil society as the sphere of particular free will, security has to be introduced and administered from elsewhere, by the state.²⁴

For Hegel, welfare, justice and policing are not unfortunate constraints on free individuality but conditions for its exercise. It is only, however, when free individuality itself recognises welfare, justice and policing as immanent to its own self-understanding as free, that social and political arrangements genuinely articulate the principle of self-determination. The idea of the state necessitates that the state be actively embraced by its members as an extension of themselves. This latter move, which is more or less advanced in actual states, is accomplished in different contexts in Hegel's account of the idea of the state. It happens in the internalisation of economic and social roles through education,²⁵ in the identification of individuals with the corporations and estates whose role is institutionalised within the formal constitution of the state,²⁶ and, ultimately, through the citizen's identification with the state as an

independent, self-moving whole.²⁷ It is in this latter respect, in patriotism and the possibility of dying and killing in war that the identity of particular and universal freedom is most clearly expressed, and it is in this context that the world historical role of the state emerges.²⁸

As with Hegel's discussion of civil society in relation to the state, his account of the relation between the internal and external constitution of the state is simultaneously a story about organic interdependence and education. The existence of the state as an actor in relation to other actors within an international sphere conditions the complex webs of recognition that allow the internal workings of the state to be understood in terms of self-determination. The external aspect of the state helps to produce the identification of individual self-consciousness with the state by literally linking the survival of one to the other. As Hegel acknowledges, 'current emergencies' feed into the degree of mediation necessary to sustain the elements of ethical life. And war, in particular, plays a crucial part in reinforcing citizens' sense of the interconnection between their particular freedom and state sovereignty.²⁹ This process educates both citizen and reader into understanding how the self-awareness of the state as self-determination has implications beyond the finite form of a particular political order. The action of states in the international sphere is the education of spirit. In international relations, in the realms of commerce, colonization and war, different forms of spirit's self-understanding conflict with one another.³⁰ This culminates, notoriously, in the predominance of the self-understanding of spirit as self-determination that Hegel traces in his own age and attributes to the legacies of Roman law and Protestantism.³¹

The present has cast off its barbarism and unjust
[unrechtlich] arbitrariness, and truth has cast off its

otherworldliness and contingent force, so that the true reconciliation, which reveals the *state* as the image and actuality of reason, has become objective.³²

Hegel's discussion of the terms of ethical life concludes with a schematic philosophy of history, in which the principle that he discerns as distinctive of modernity is claimed to be the ultimate lesson for his readers. His own capacity to learn and articulate this lesson was, as he acknowledged, immanent to the historical movement he claimed to discern, it was the political project of his time. For Hegel, the task of structuring social and political existence in terms of freedom was both complex and dangerous. In his view, partial understandings that remained stuck with the idea of free individuality, without comprehending its conditions, could lead to ruinous outcomes, as in the French Revolutionary Terror or in the destructive anarchy of a civil society without regulation. In place of a thoroughly individualist account of the modern state, Hegel, it appears, gives us one in which sociality comes before individuality, and the non-contractual enables and conditions the contractual realm. It is for this reason, that it is tempting to read Hegel's work as a kind of corrective to individualism and libertarianism in political philosophy. To do this, however, requires setting up an *opposition* between individualism and social, which is somewhat misleading in the context of Hegel's argument. As I have tried to suggest in the discussion above, Hegel's key concern in *EPR* is to show how it is possible for the state to be understood as self-determination. In other words, he is interested not so much in the tension between individual and collective freedom as in the possibility of the identification of the two. What does it take for free individuality to recognise itself as free in the ways in which it is educated, nurtured, coerced, killed, or enabled to kill, by the practices and institutions that simultaneously

underpin its (free individuality's) existence? Simply put, it requires a lot of work, and Hegel's philosophy of right attempts to show us how that work could be accomplished.

3. The Hard Work of Freedom

Contemporary Hegel scholarship continues to debate exactly what it is that Hegel is telling us in his account of how the state can be identified with the work of freedom. At one extreme of modernist readings of Hegel's work, Winfield argues that Hegel's state is the work of freedom because its institutions are genuinely free, and free individuality can see the principle of its own existence directly reflected in those institutions.³³ For him, Hegel's philosophy of right captures the essence of the principles of modernity, which are rationally comprehensible (even if historically delivered) and are of universal application. The institutions described in the *EPR*, on Winfield's account, which he interprets as those of a liberal democratic, market society, economy and polity are a 'uniquely valid form of civilization' that incorporate 'the timeless normativity of freedom'.³⁴ The modern (Hegelian) state is peculiarly legitimate because its legitimacy is immanent to it, rather than derived from externally given foundations. The recognition of this normativity depends upon historical circumstances but it is not in any sense relative to those circumstances.³⁵

Winfield sustains his reading of Hegel, and of the modern state, by drawing a clear distinction between the contingent, particular realms of history and practice (which may be pathological in a variety of respects) and their universal and necessary implications. To the extent that the actual history of the modern state and economy has involved the coercion and oppression of individuals and communities, it has failed to live up to its idea. Hegel's account of the impossibility of drawing a clear line between what is and is not the state's business, and Hegel's account of the self-consciousness of superiority embedded in the

‘advanced’ states of his time are disconnected from any actual totalitarian or imperialist practices. In examining the relation between modernity and either totalitarianism or imperialism, therefore, Winfield argues that the former contradicts both of the latter, and any historical relation between them is a matter of contingency. On his account, the principles of modernity (self-determination) are incompatible with totalitarianism, racism or the external imposition of modern principles on others.³⁶ Hegel’s philosophies of right and of history offer an account of the spontaneous emergence of the historical conditions that enable the recognition of spirit as self-determination. For this reason, Winfield reads the discussion of colonialism in *EPR* as being about the universalisation of principles of right through trade, and the concluding account of history as an inclusive story of modernization.³⁷ From this point of view neither the complex range of ways in which the internal constitution of Hegel’s state is held together, nor Hegel’s treatment of the ‘Germanic’ realm as the culmination of historical development signify any *necessary* link between the self-understanding in terms of freedom of individuals and collectivities, and self-understandings that are exclusive and hierarchical.

- because modernity’s institutions of freedom do not depend on any particular culture for their legitimacy, they are inherently capable of global, not to mention, intergalactic, realization.³⁸

Winfield’s reading of Hegel’s modernism is countered by postcolonial interpretations offered by commentators such as Bernasconi, Hoffmeier and Serequeberhan.³⁹ According to these readers, Hegel’s political thought affirms (and even celebrates) that the self-awareness of the state as self-determination is sustained by its self-

conscious superiority to other forms of individual and collective self-consciousness. In Hegel's philosophy of history, they argue, non-European peoples and forms of political community are defined as either underdeveloped or incapable of development in the direction of self-consciousness as freedom. As Bernasconi points out, Hegel's treatment of Africa in his philosophy of history did not simply reflect scholarly understandings of his day, it drew selectively on available evidence in order to place Africa at the beginning of history, but without the capacity to develop more fully in terms of spirit as self-determination.⁴⁰ Hoffmeier argues that Hegel's attitude to the indigenous communities of the Americas was even more dismissive, effectively excluding them even from the beginning of history.⁴¹ Serequeberhan argues that Hegel's philosophy of history is both reinforced by and reinforces those aspects of his argument in *EPR* when he addresses issues of colonialism and imperialism.⁴² For all of these thinkers, Hegel not only makes the link between the modern state and both racism and imperialism explicit, but also justifies these phenomena as necessary to the development of the modern state.⁴³

And yet, as Hegel's defenders point out, many of Hegel's claims in *EPR* and elsewhere seem incompatible with racism and imperialism. One line of argument in defence of Hegel focuses on the substantive refutation of the charges, looking for places in his work where Hegel explicitly condemns, or appears to condemn, slavery, colonialism and racism, as for instance in the passage in *EPR* stating that in the modern state the individual is recognised as an individual, not in terms of a particular ethnic or religious identity.⁴⁴ A second line of argument uses Hegel against himself, seeking to show how his logic and philosophy of history work against the kinds of prejudices he displays in his comments about other peoples and cultures and about the role of imperialism, colonialism, war and conquest in the progress of spirit that culminates in the most 'advanced' states.⁴⁵ In all of these cases, the aim is to render what is uncomfortable to contemporary ears in

Hegel's work contingent in relation to his broader argument. As with Winfield's reading of Hegel, these defensive readings depend on being able to draw a clear line between the meaning of self-determination as Hegel articulates it, and the contingencies of history in which the emergence of the modern state as the only recognised form of political community happened to be bound up with exclusive and hierarchical self-understandings.

The opposition between modernist defenders of Hegel and the postcolonial critics appears to be mutually exclusive, in the sense that if the postcolonial reading is accurate then the modernist reading must be wrong, or vice versa. Here, however, I want to suggest that there may be a different way of reading this standoff. Along with the postcolonial critique of Hegel's argument, other critiques have developed which are more closely focused on Hegel's account of the internal workings of his state. Durst suggests that Hegel's argument operates as an account of, and apology for, disciplinary power. He interprets Hegelian *Vernunft* as a 'productivist form of functional reason', in which a focus on the well being of individual subjects renders them into instruments for the reinforcement of state power.⁴⁶ In Durst's view Hegel's neglect of the importance of communicative reason (in a Habermasian sense) in the public sphere, means that his state is in danger of the kinds of panopticism criticised by Foucault in *Discipline and Punish*. At the same time, however, Durst argues that the rationale for Hegel's focus on 'societal techniques' through which individuals can be integrated into state institutions is rooted in his desire to institutionalise respect for free individuality. It is precisely disciplinary mechanisms that, in strengthening the state, enable the recognition of others as individuals rather than in terms of religious or ethnic identities.

- although I have argued that Hegel's philosophy of
ethical life may tend to render the happiness of the

individual into a political factor for the reinforcement
of the modern state, it is just such a strong state
rooted in the ethical life of a nation that has the inner
ability to practice what Hegel refers to as toleration.⁴⁷
(241)

For Durst, this is a ‘paradoxical’ conclusion. But it is only paradoxical if one accepts the view of Winfield and other modernist defenders of Hegel, that what counts as the work of freedom must fit with a particular set of criteria *a priori*, rather than be extrapolated from, and then re-committed to, historical contingency. The notion that there is a formal logical contradiction between the self-awareness of individual freedom and the processes through which that self-awareness is produced and guaranteed has different implications for Hegel than it does for his contemporary liberal defenders. For the latter, it drives a wedge between logic and history, and sets up the self-awareness of individual freedom (what freedom *really* means) as the source of critique of actual social and political practices. For Hegel, in contrast, the conditions of free individuality become part of what freedom means, and set the philosopher the double-sided task of grasping the nature of those conditions and working out how it is that they may be embraced as the meaning of freedom. Although Durst uses Foucault *against* Hegel, his concluding observations undermine this opposition, instead Hegel becomes someone who prefigured Foucault’s insights into the roles of sovereign, disciplinary and bio-political power in the modern state.

Rather than taking sides between the modernist and postcolonial readings of Hegel, I suggest that the *Hegelian* solution to this dilemma is to get to grips with the truth inherent in both, but also to understand how the partiality of both readings stands in the way of grasping the contemporary interest of Hegel’s thought. Modernist readings of Hegel are

true because he *was* engaged with articulating social and political life in terms of the principle of freedom. Many of his specific prescriptions embody practices embedded in modern, liberal and social democratic states of individual right, family life, market society, representative government, rule of law, state sovereignty and so on. And even those aspects of his state architecture that seem particularly anachronistic or absurd, from his account of the monarch's role to his institutionalisation of the 'estates', can be made sense of in terms of reconciling tensions between individual and collective existence that are specific to modern social and economic forms.

Postcolonial readings of Hegel are true because he *did* explicitly link the story of emergent modernity to a bigger story, in which European states are claimed to have captured the meaning of history, and other times, places and cultures are placed in a normative hierarchy that clearly legitimates claims to European superiority. Hegel was a child of his time (and place), he was by no means sure that the recognition of spirit as self-determination would continue to be the explicit principle for ordering political community. Nevertheless, he wanted it to be so, and in reading his time in the way that he did, he clearly endorsed the denigration of other ways of thinking about social and political order, and legitimised past and present victories of, in his terms, civilisation over barbarism.

Modernist and postcolonial readings of Hegel are both true, but they are also both partial. In both cases, the readings rest on drawing a line between logic, history and practice that Hegel does not draw. From the modernist perspective, the *idea* of freedom makes it impossible that Hegel could be simultaneously according state control, racism and imperialism a role in the sustaining of freedom. To the extent that he did so, he is therefore making a mistake. From the postcolonial perspective, Hegel endorses the necessary link between modernity and racism and imperialism and is therefore contradicting modernity's claim to instantiate the *idea* of freedom. He is wrong, or if he is right about modernity, then

modernity is wrong, because the *idea* of freedom contradicts the *ideas* of hierarchy, coercion and exclusion inherent in racism and imperialism. But in reading Hegel *normatively*, both readings miss the fact that Hegel's *idea* of freedom is not a static universal but the self-conscious recognition of practices as free that emerges out of actual, contingent social relations, and shifts and develops as it is put to work in actual, contingent social relations. This is not a world of logical contradictions, but a world of experience, in which thinking six impossible things before breakfast may turn out to be a practical requirement for living with oneself.

Conclusion

In *EPR*, Hegel gives us his particular view of the work of freedom, that is to say, of the ways in which freedom can be institutionalised and recognised in political community. His particular view is interesting not, primarily, because of its specific normative implications but because of the ways in which it points us towards the range of conditions that enable free individuality to find itself at home with itself in the state. This is not to say that Hegel gives us the definitive account of that range of conditions, nor is it to suggest that all states must take on a totalitarian and/ or imperialist form. Hegel's own account of how the work of freedom can be done mixes liberal, conservative, social democratic and republican elements in the internal constitution of the state, and presents a pluralist international society as the direction in which states, as external actors, are heading. The point from Hegel's account of the state as the work of freedom that continues to resonate with contemporary experience is that we cannot understand this work by remaining, as Hegel would put it, in the realm of 'empty, one-sided ratiocination'. In order to understand how political life may be practiced as freedom we have to get a grip on the processes

through which we produce and sustain it. And we have to give up on the idea that any practice of freedom is going to float free of dangerous implications.

At the beginning of the chapter, I suggested that Hegel's thought retains its interest as much for the ways in which it opens itself up to immanent critique as for its explicit content. This openness to immanent critique follows from the fact that in telling us that philosophy is a child of its time, Hegel recognises that his own perception of history in terms of freedom is itself historically contingent. This may invite more and less radical responses from contemporary readers (whenever they were/ are contemporary). A less radical response accepts the parameters of Hegel's reading of his time in terms of freedom and looks for ways in which his account of the work of freedom can be perfected, perhaps through a different kind of state constitution or a more culturally sensitive account of inter-state relations. A more radical response raises the question for Hegel that Hegel raises in relation to other times and places, what was it about his time and place that led him to read history in terms of the self-determination of spirit, and what are the limits of this way of reading history either in relation to his own time or to ours? As the postcolonial critics point out, Hegel's articulation of the idea of freedom depends on the identification of his time and place with the world-historical present. It could be argued that this move is skewed in two respects. First, it involves a peculiar elevation of *one* principle (freedom) as the key to both western modernity and history at large; second, it blocks the possibility of thinking Hegel's time from alternative perspectives. The elevating of the principle of freedom is only possible through a unilinear reading of history in general, and modernity specifically. On this account, other histories and other modernities become beyond comprehension in their own terms. But this follows only if we universalise Hegel's thought in a way that runs contrary to his own account of the nature of his work. Thinking history

or the state in terms of the hard work of freedom may still be an illuminating exercise in many respects, but it is not necessarily the permanent fate of political philosophy.

¹ Hegel *EPR*, §272 Addition (H), p. 307.

² The revisionist reading of Hegel's social and political thought in Anglophone scholarship began in the 1970s with books such as Z. A. Pelczynski (ed) *Hegel's Political Philosophy: problems and perspectives* (Cambridge, Cambridge University Press, 1971); S. Avineri *Hegel's Theory of the Modern State* (Cambridge, Cambridge University Press, 1972); C. Taylor *Hegel and Modern Society* (Cambridge, Cambridge University Press, 1979) and has continued since. For example: S. Smith *Hegel's Critique of Liberalism: rights in context* (Chicago, University of Chicago Press, 1989); A. Wood *Hegel's Ethical Thought* (Cambridge, Cambridge University Press, 1990); F. Dallmayr *Hegel, Modernity and Politics* (Newbury Park, CA., Sage Publications, 1993); P. Franco *Hegel's Philosophy of Freedom* (New Haven, CT., Yale University Press, 1999); F. Neuhouser *Foundations of Hegel's Social Theory* (Cambridge, MA., Harvard University Press, 2000).

³ See R. Bernasconi 'Hegel at the Court of the Ashanti' in S. Barnett (ed) *Hegel After Derrida* (London & New York, Routledge, 1998): pp 41-63; M. H. Hoffmeier 'Hegel, Race and Genocide', *Southern Journal of Philosophy*, Vol. XXXIX, Supplement 2001: pp. 35-62; T. Serequeberhan 'The Idea of Colonialism', *International Philosophical Quarterly* Vol. XXIX (3) No. 115, 1989: pp. 301-318; N. Inayatullah & D. L. Blaney, 'Shed No Tears: wealth, race and death in Hegel's necro-philosophy', in R. Vij (ed) *Hegel and International Relations* (Basingstoke, Palgrave Macmillan, forthcoming); T. Chanter, 'Antigone's Liminality: Hegel's racial purification of tragedy and the naturalization of slavery' in K. Hutchings & T. Pulkkinen (eds) *Hegel's Philosophy and Feminist Thought: Beyond Antigone?* (New York, Palgrave Macmillan, 2010).

⁴ See exchange between J. McCarney and R. Bernasconi 'Hegel's Racism?', *Radical Philosophy* 119, May/June 2003: 32-37.

⁵ D. C. Durst 'The End(s) of the State in Hegel's *Philosophy of Right*', in R. R. Williams (ed) *Beyond Liberalism and Communitarianism: studies in Hegel's Philosophy of Right*, (Albany, SUNY, 2001): pp. 229-247.

⁶ G. W. F. Hegel *Elements of the Philosophy of Right*, ed. A. Wood, trans. H. B. Nisbet (Cambridge, Cambridge University Press, 1991): p. 20.

⁷ *Ibid.*: p. 21.

⁸ For example: Smith (1989) *Op. Cit.*; Wood (1993) *Op. Cit.*; Franco (1999) *Op. Cit.*.

⁹ See T. Brooks *Hegel's Political Philosophy: a systematic reading of the Philosophy of Right* (Edinburgh, Edinburgh University Press, 2009).

¹⁰ See Pinkard's chapter on Hegel's *Philosophy of Right* in T. Pinkard *Hegel: a biography* (Cambridge, Cambridge University Press, 2000): pp. 469-494.

¹¹ See R. Shilliam 'Hegel's Revolution of Philosophy' Chapter 4 in *German Thought and International Relations: the rise and fall of a liberal project* (Basingstoke, Palgrave Macmillan, 2009): pp. 88-118.

¹² Hegel, *EPR*: p. 21.

¹³ My reading of the relation between logic, history and practice in Hegel's thought takes its cue from the work of scholars such as Burbidge and Pippin. See: J. W. Burbidge *Hegel's Systematic Contingency* (Basingstoke and New York, Palgrave Macmillan, 2007); R. B. Pippin *Hegel's Practical Philosophy: rational agency as ethical life* (Cambridge, Cambridge University Press, 2008). For a more detailed account of my interpretation of the links between Hegel's philosophies of thought and spirit, see K. Hutchings 'Hegel, Ethics and the Logic of Universality' in K. Deligiorgi (ed) *Hegel: new directions* (Chesham, Acumen, 2006): pp. 105-123.

¹⁴ Hegel, *EPR*: §257, p. 275. I follow the practice of citing the paragraph/ addition number, in addition to the page numbers of the English text, so that the reader can more easily consult the German original.

¹⁵ *Ibid.*: §158-180, pp. 199-218; §182-256, pp. 221-274.

¹⁶ *Ibid.*: §258 Addition (G), p. 279.

¹⁷ *Ibid.*: §258 Addition (G), p. 279.

¹⁸ *Ibid.*: §260, Addition (H, G), p. 283.

¹⁹ *Ibid.*: §261, pp. 284-5.

²⁰ *Ibid.*: §263 (Addition H), p. 286.

²¹ *Ibid.*: §264, p. 287; §274, p. 312.

²² *Ibid.*: §244, pp. 266-7.

²³ *Ibid.*: §235-245, pp. 261-268.

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- ²⁴ Ibid.: §234, p. 261.
- ²⁵ Ibid.: §187, pp. 224-226; §239, p. 264.
- ²⁶ Ibid.: §250-254, pp. 270-274.
- ²⁷ Ibid.: §268, p. 288-9; §272 Addition H, p. 307; §274, p. 312.
- ²⁸ Ibid.: §330-340, pp. 366-371.
- ²⁹ Ibid.: §324, p. 361; §327, p. 364.
- ³⁰ Ibid.: §340, p. 371.
- ³¹ Ibid.: §358, p. 379.
- ³² Ibid.: §360, p. 380.
- ³³ R. D. Winfield 'Postcolonialism and Right' in R. R. Williams (ed) *Op. Cit.*, pp. 91-109. Winfield represents a particularly strong version of a modernist reading of Hegel, which is premised on a view of Hegel's systematic philosophy as genuinely foundationless.
- ³⁴ Ibid.: p. 92; p. 107.
- ³⁵ Ibid.: p. 92.
- ³⁶ Ibid.: p. 102.
- ³⁷ Ibid.: p. 107.
- ³⁸ Ibid.: p. 93.
- ³⁹ *Op. Cit.*.
- ⁴⁰ Bernasconi 'Hegel at the Court of the Ashanti', *Op. Cit.*, p. 52; p. 62.
- ⁴¹ Hoffmeier, *Op. Cit.*, p. 35.
- ⁴² Serequeberhan, *Op. Cit.*, p. 315.
- ⁴³ Bernasconi, *Op. Cit.*, p. 59; Serequeberhan, *Op. Cit.*, p. 317.
- ⁴⁴ See McCarney *Op. Cit.*, 'Hegel's Racism? A Response to Bernasconi', p. 33.
- ⁴⁵ Ibid.: p. 34.
- ⁴⁶ Durst *Op. Cit.*, p. 230; 231; 239.
- ⁴⁷ Ibid.: 241.